\*\*E-filed 7/28/06\*\*

KEVIN V. RYAN (CSBN 118321) 1 United States Attorney JAY R. WEILL (CSBN 75434) 2 Assistant United States Attorney 3 Chief, Tax Division CYNTHIA STIER (DCBN 423256) 4 Assistant United States Attorney 450 Golden Gate Avenue, Box 36055 5 San Francisco, California 94102 Telephone: (415) 436-7000 Facsimile: (415) 436-6758 6 Email: cynthia.stier@usdoi.gov 7 Attorneys for the United States of America 8 UNITED STATES DISTRICT COURT FOR THE 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 UNITED STATES OF AMERICA and ) No. C 06-3734 JF PVT JAY GOLDENBERG, Estate Tax 12 Attorney, PARTIES' STIPULATED 13 Petitioners, REQUEST TO EXTEND 14 DEADLINES AND CONTINUE v. HEARING AND [PROPOSED] 15 **ORDER** DALE C. LANDON, 16 Date: October 13, 2006 Respondent. Time: 9:00 a.m. 17 18 IT IS HEREBY STIPULATED AND AGREED AND RESPECTFULLY 19 **REQUESTED** by and between the parties to this action, as reflected by the signatures of their 20 respective counsel as set forth below, that the deadlines set forth in this Court's Order to Show 21 Cause Re: Enforcement of Internal Revenue Service Summons be extended for a period of sixty-22 days, and that the hearing on the Order to Show Cause, currently scheduled for August 18, 2006, 23 be continued to October 13, 2006, at 9:00 a.m. The grounds for this stipulated request are: 24 1. Counsel for the parties have agreed to meet in an effort to resolve this matter 25 without resort to litigation. Additional time is necessary to effectively prepare for said meeting. 26 2. Continuing these matters is not requested for the purposes of delay. Rather, 27 the continuance of these dates will allow the parties sufficient time in which to effectively 28

determine whether this matter can be resolved without litigation.

Accordingly, the parties respectfully request that the Court continue the deadlines set forth in its Order to Show Cause Re: Enforcement of Internal Revenue Service Summons for a period of sixty-days, and that the hearing on the Order to Show Cause, currently scheduled for August 18, 2006, be continued to October 13, 2006, at 9:00 a.m.

Respectfully submitted,

KEVIN V. RYAN United States Attorney

Dated: July 26, 2006

By: /s/ Cynthia Stier
CYNTHIA STIER

Assistant United States Attorney

Attorneys for the United States of America

WOOLSTON & TARTER, P.C.

Dated: July 26, 2006

/s/ Tim Tarter

TIM TARTER (Pro Hac Vice)
Attorney for Respondent

## **ORDER**

Pursuant to the Stipulation of the parties as set forth above, and for good cause shown,

IT IS HEREBY ORDERED that by September 22, 2006, Respondent may file and serve a written response to the petition, supported by appropriate affidavits(s) or declaration(s) in conformance with 28 U.S.C. §1746, as well as any motion he desires to make, that the petitioner may file and serve a written reply to such response, if any, by September 29, 2006, that all motions and issues raised by the pleadings will be considered at the hearing on October 13, 2006, and only those issues raised by motion or brought into controversy by the responsive pleadings and supported by affidavit(s) or declaration(s) will be considered at the hearing on October 13, 2006, and any uncontested allegation in the petition will be considered admitted.

**IT IS FURTHER HEREBY ORDERED** that the hearing date on the Order to Show Cause, currently scheduled for August 18, 2006, at 9:00 a.m. is continued to October 13, 2006, at

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1	9:00 a.m.		
2		7/29/07	
3	Dated:	7/28/06	THE HONORAL LE JEREMY FOGEL
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